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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,350	12/20/2001	Christopher Peggs	PEGG3001/REF	2605
7590	11/20/2003		EXAMINER	
Richard E. Fichter BACON & THOMAS, PLLC 625 Slaters Lane Alexandria, VA 22314-1176			SCHLAK, DANIEL K	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/022,350	PEGGS, CHRISTOPHER
	Examiner Daniel K Schlak	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) 7-12 and 16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Objections

Claim 4 is objected to because of the following informalities: an apparent typo has left the units for the Young's Modulus to be "gN/m²". This is not an appropriate as it would be interpreted "gram-Newtons-per-square-meter. The Examiner assumes that the intent was, like claims 1-3, to give giga-Newtons and not gram-Newtons, so the units should be amended to read "GN/ m²" as is given in claims 1-3.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,730,371 to Dongieux, Jr. et al (hereafter "Dongieux").

Dongieux teaches, in figure 4, an apparatus comprising a rotatable flail structure having a plurality of flexible (namely, rubber) flails attached to a rotatable mounting, the flails being formed from a material (rubber) having a Young's modulus of less than 5GN/m². A waste feed guide (top of Fig. 4, through which the "arrow" is shown to be

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passing) for receiving bagged solid waste and directing it towards the rotatable flail structure is disclosed directly above the flail structures.

The flail structure is adapted to rotate at least 11 ms^{-1} . With proper gearing and a powerful enough motor, one could rotate one of those flail structures (shown in figure 2) hundreds of times per millisecond.

Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,944,268 to Andela.

Andela teaches, in figures 1, 2, and 5, an apparatus comprising a rotatable flail structure having a plurality of flexible flails attached to a rotatable mounting. At the top of column 3 of the reference is taught an embodiment wherein the flails are encased in plastic. Thus, in this embodiment, the flails are formed from a material having a Young's modulus of less than 50 GN/m^2 . The material is explicitly stated as plastic. A waste feed guide (10) for receiving bagged solid waste and directing it towards the rotatable flail structure is disclosed directly above the flail structures.

As in Dongieux, the flail structure is adapted to rotate at least 11 ms^{-1} . With proper gearing and a powerful enough motor, one could rotate that flail structure (shown in figures 5, 6, 7) hundreds of times per millisecond.

Allowable Subject Matter

Claims 7-12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Neither of the two references applied to claim 1 teaches a hinged join to allow independent movement of a bottom chute portion relative to a top chute portion.

Neither of the two references applied to claim 1 teaches a separation tank with a body of liquid, and means for creating a horizontal flow in the liquid.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K Schlak whose telephone number is 703-305-0885. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306 - 4173. The fax phone number for the organization where this application or proceeding is assigned is 703-306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308 - 1113.


DONALD R. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

dko